# MINUTES OF THE BOARD OF POLICE COMMISSIONERS MEETING TUESDAY, JULY 23, 2013

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held Tuesday, July 23, 2013, at Regional Police Academy, 6885 N.E. Pleasant Valley Road, Kansas City, Missouri.

#### PRESENT:

Commissioner Lisa T. Pelofsky, President
Commissioner Angela Wasson-Hunt, Treasurer
Commissioner Michael C. Rader, Member
Mayor Sylvester "Sly" James, Jr., Member
Darryl Forté, Chief of Police
Mr. David V. Kenner, Secretary/Attorney (via conference call)

#### **EXCUSED**:

Commissioner Alvin L. Brooks, Vice President

This meeting was called to order at 12:38 p.m. by Commissioner Pelofsky. The invocation was provided by Pastor Dennis Dewey.

## 1. Awards and Commendations.

A Special Unit Citation was presented to the Shotspotter® Implementation

Team and Major Ron Fletcher received the Meritorious Service Award for serving

as Chairperson for the Shotspotter® Implementation Team and for working with

Shotspotter® personnel to develop the deployment plan.

A Certificate of Commendation was presented to Officer Matthew Phelps for coming to the aid of a woman in labor at Wal-Mart while he was working there in a uniformed, off-duty capacity. He assisted the woman with the safe delivery of a baby girl.

The Board took a recess at 12:46 p.m. and the meeting resumed at 12:55 p.m.

- Councilman John Sharp, Public Safety and Emergency Services
   Committee. Councilman Sharp was absent from the meeting.
- **Approval of minutes.** A motion was made by Commissioner Wasson-Hunt with a second by Mayor James approving the minutes of the June 25, 2013, Board meeting. The vote was 4-0 in favor.
- **4.** <u>City Architects report.</u> Mr. Eric Bosch provided the Board with an update on current construction projects at police headquarters and the EPD project.

With regard to police headquarters, work is being done on the outside utilities and the metal sheeting has been completed on the tower with electrical and plumbing begin completed on the inside. Build back has begun on floors 1, 6 and 7.

With regard to the EPD project, there are nineteen homes left that will be demolished. J.E. Dunn submitted a bid their first package for construction. Mr. Bosch said the contracts went out to Section 3 companies only.

5. <u>Chief Darryl Forté</u>. Chief Forté provided an explanation of the rehire process. He said when an employee leaves the organization their supervisor prepares an exit evaluation which includes whether or not that employee should be considered for rehire. Commissioner Pelofsky asked if the recommendation is not to rehire, what steps are taken if that person reapplies. Chief Forté said the person's entire work history is taken into consideration and he gave the example

that when he was 21 years of age he applied with the police department and received a letter back saying he could never reapply. He said people grow and mature and sometimes deserve a second chance.

Chief Forté said the internal forum was held last Saturday with the Deputy Chiefs, and Ms. Murray at the EPD community room. He said it was well attended. He said another community forum will be held for police department members, their families, and the community to be held at 31 st and Indiana on July 27, 2013.

Chief Forté said that last week he graduated from the FBI Academy National Executive Institute Program. He said it was a three week program for police executives from all over the globe and it was a great networking opportunity.

Chief Forté thanked department members for preparing for any potential violence that may have occurred due to the verdict in the Trayvon Martin homicide case held in Florida. He thanked Pastor John Miles for his assistance also.

Chief Forté said the father of Crime Scene Technician Michael Chou was very appreciative of the funeral services and outpouring of care from the police department related to the tragic death of his son.

Chief Forté discussed the Missouri Black Caucus event held in St. Louis. He said a team of 10-15 police officers from this department assist with this caucus every year and many of the elected officials are very appreciative of our efforts.

- Asjor James Pruetting said the Board is aware that the Commanders have formed FOP Commander Lodge #102. On June 18, 2013, he presented the Board with a signature petition and requested that the Board recognize this lodge as the exclusive bargaining representative for all Captains, Majors, and Deputy Chiefs. He said he has since provided the Board with a list of exclusions to this list as a compromise to secure voluntary recognition. Major Pruetting said the efforts to form this bargaining group were not an act of protest; nor a sign of discontent with the Chief or Board. He said it is simply a natural progression of the labor environment and the Commanders want to assure themselves a voice on issues that affect their futures and the future of the police department. He requested that the Board voluntarily recognize Lodge #102 as the exclusive bargaining representative of the proposed bargaining agreement.
- 7. <u>LERC Overview</u>. Major Mike Corwin provided the Board with an update on the software utilized by the Law Enforcement Resource Center. He said the annual budget is not yet complete because the fiscal division is still negotiating the contracts with software vendors.

Mayor James asked if this is money has already been allocated in the budget or will "new money" need to be found. Mr. Paul Kies, Budget Unit, said these funds are all new money. He said as is common with technology purchases, money is available for the initial purchase then the on-going maintenance typically costs 15 to 20 percent. Mr. Kies said in the past these expenses have been absorbed into the budget. He said the City has committed

to provide money in next years' budget for pay raises so he does not foresee that the City will have extra funds for this purchase.

Commissioner Pelofsky asked that someone provide a projected annual cost. Major Corwin said he will get the information from the Fiscal Unit.

## 8. Professional Development and Research Bureau.

Deputy Chief Cheryl Rose submitted the basic training class summary dated July 15, 2013. She stated that 30 percent of the 149<sup>th</sup> Entrant Officer Class is female.

Deputy Chief Rose said Research and Development have been working on a policy related to police facility usage. She said the policy includes a rental contract with a list of rules and regulations and a hold harmless agreement. She said Research and Development contacted other agencies and cities and modeled the best parts of their policies. Deputy Chief Rose said she plans to bring the completed policy to the Board for approval in September or October.

Deputy Chief Rose presented the following consent agenda items for approval:

- a. Budget transfers for fiscal year 2013-14
- b. Project #549, Selection Process Non-Sworn Vacancy
- c. Project #538, Personnel Actions and Salary Adjustments
- d. Project #368, Administration of Leave Z, E, Y, Q days and Religious Holiday Time
- e. Project #663, Off-Duty Employment.

On Commissioner Pelofsky's request Deputy Chief Rose explained the revisions to the off-duty employment policy to include allowing officers to work off-duty security at taverns. Chief Forté these revisions will allow the police department to better manage resources and gave an example that the police

department is typically called in after an incident has occurred. He said having officers working security there may help prevent these incidents.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Rader approving the policies listed under consent agenda items (b.) through (e.) as presented. The vote was 4-0 in favor.

A motion was made by Commissioner Wasson-Hunt with a second by Mayor James approving consent agenda item (a.) Budget Transfers, as presented. The vote was 4-0 in favor.

Deputy Chief Rose discussed separating OCC policies from the police department policies. The Office of Community complaints and Research and Development met to discuss the idea of separating the policies and everyone involved believes this would be beneficial and would give OCC more autonomy from the police department. Commissioner Pelofsky recommended that David Kenner be part of any future meetings between OCC and Research and Development held to discuss this matter. Deputy Chief Rose agreed.

## 9. Administration Bureau.

Deputy Chief Randy Hundley submitted the personnel summary dated July 9, 2013. Current department strength is 1,353 law enforcement personnel compared to 1,363 for this same time period in 2012. Civilian strength is 578 positions compared to 570 positions for the same time period 2012.

Commissioner Pelofsky asked about the average tenure of employees.

She said it appears that the majority of employees have been with the police department for 10 years or more. She asked how the Administration Bureau

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plans to keep an optimum number of employees. Chief Forté said he has been looking at this over the past six months and over half of the workforce has 14 or more years and about 10 percent are retirement eligible. Chief Forté said that as employees are transferred and promoted this becomes succession planning without defining it as such.

Commissioner Rader asked for comparisons with prior years for officer disciplinary proceedings.

**10.** Patrol Bureau. Major Robin Houston presented the monthly crime summary dated May 2013. A copy of the Crime Summary is marked as Attachment "A" and attached to these minutes.

In regard to the Traffic Summary, there were five fatalities during June 2013, with 25 total year-to-date compared to 34 year-to-date for the same period last year. She said three of these fatalities involved motorcycles. A copy of the Traffic Summary for June 2013 is marked as Attachment "B" and attached to these minutes.

Also, submitted was the KCPD 2013 Second Quarter Fatality Report. This report is marked as Attachment "C" and is attached to these minutes.

Major Houston thanked all members of the Patrol Bureau for the planning done in anticipation of possible violence related to the Trayvon Martin verdict.

Major Houston also submitted the June 2013 Executive Summary.

Commissioner Rader asked about the large increase in vehicle thefts.

Major Houston said she has inquired with some of the patrol divisions and she

said she will inquire with property crimes also and have an answer at the next Board meeting.

**11.** <u>Investigations Bureau</u>. Deputy Chief Hopkins reported that year-to date there have been 58 homicides with 56 for the same time period in 2012.

Deputy Chief Hopkins said there are 1,487 cases that have been presented to the prosecutor with 1,202 being filed.

With regard to drive-by shootings, there have been 106 year-to-date for 2013, as compared to 113 in 2012.

Deputy Chief Hopkins submitted the Narcotics and Vice Summary for June 2013. This report is Attachment "D" and is made a part of these minutes.

Additionally, Deputy Chief Hopkins submitted the First Quarter Homicide Analysis which is Attachment "E" and is made a part of these minutes.

Mayor James asked if the police department has a policy of tracing all recovered firearms back to their source. Deputy Chief Hopkins said yes. Mayor James asked what information is available about the source of most of the guns. Deputy Chief Hopkins said this is part of Kansas City NoVA's function and that it is important to trace them back to the source to determine if narcotics are being purchased or to determine if convicted felons are having someone with no criminal record purchase a firearm for them. ATF also assists. Mayor James requested statistical information regarding the firearms recoveries.

**12.** <u>Executive Services Bureau</u>. Captain Todd Marckx presented the following items for Board approval:

a. <u>Supplemental appropriations for fiscal year 2013-14</u>. A memorandum dated July 11, 2013, was submitted recommending approval to reestablish revenues and appropriations related to JAG grants, as presented.

A motion was made by Commissioner Rader with a second by Mayor James approving the establishment of supplemental appropriations as presented. The vote was 4-0 in favor.

b. <u>Acceptance of the 2013 MCSAP Grant (13-CMV-MC-003)</u>. A memorandum dated July 9, 2013, was submitted recommending acceptance of the MCSAP grant in the amount of \$782,678.50. This grant is comprised of 80 percent Federal funds with a 20 percent local match. The award period is from October 1, 2012 through September 30, 2014.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Rader accepting the award from Missouri Department of Transportation in the amount of \$782,678.50. The vote was 4-0 in favor.

c. Revision of the 2012 MCSAP Grant (12-CMV-MC-002). A memorandum dated July 9, 2013, was submitted recommending acceptance of an additional \$250,000 for the 2012 grant. This increased the total funding to \$899,997.40. This grant is comprised of 80 percent Federal funds with a 20 percent local match. The award period is from October 2, 2011 through September 30, 2013.

A motion was made by Commissioner Rader with a second by Mayor James accepting the increased award from the Missouri Department of Transportation in the amount of \$250,000. The vote was 4-0 in favor.

d. <u>IBM I2 Analyst's Notebook Software for the Law Enforcement</u>

Resource Center. A memorandum dated June 7, 2013, was submitted recommending the sole source purchase of IBM analyst's notebook software at a cost of \$150,067.50.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Rader approving the sole source purchase of IBM I2 Analyst's Notebook Software for the amount of \$150,067.50.

#### 13. Executive Officer.

Captain Mark Francisco submitted the monthly OCC investigations report dated July 1, 2013. There were 27 OCC's under investigation at the end of July and one was granted an extension beyond 60 days. IAU has received a total of 101 OCC's this year compared to 77 during the same period last year. There were 86 investigations that were completed and forwarded to OCC compared to 82 for the same period last year. There was one investigation that was granted an extension beyond 60 days due to difficulties with contacting the complainant. This investigation has since been completed. Commissioner Wasson-Hunt complimented the staff on keeping the investigations beyond 60 days to a minimum.

**14.** Office of Community Complaints. Ms. Fain presented the OCC monthly statistical report for June 2013, as well as the semi-annual report. A copy of this report is maintained in the Office of Community Complaints.

Ms. Fain that advised that for the quarter (April, May, June), the Office of Community Complaints received a total of 116 complaints compared to 86 for the

same period last year. Sixty-one of these complaints were submitted to IAU for investigation.

The semi-annual report shows that OCC received a total of 201 complaints compared to 182 for the first six months of 2012.

Mr. Merrell Bennekin introduced Ms. Nancy Brown, the OCC summer intern who currently attends Creighton University School of Law, Werner Institute for Negotiation and Dispute Resolution. Mr. Bennekin said her service to OCC has been invaluable and she has contributed much more time than her required 100 hours. The Board thanked Ms. Brown for her service to OCC and the community.

- **15.** <u>Audit Committee Report</u>. Commissioner Wasson-Hunt had nothing to report at this time.
- **16.** Fraternal Order of Police Lodge No. 99. Officer Steve Miller had nothing to report.

## 17. <u>Scheduled meetings</u>.

Regular Board Meetings:

Friday, August 23, 2013 9:00 a.m., South Patrol Division, 9701 Marion Park Drive Annex Building Multi-Purpose Room, Kansas City

**Mayor Sylvester "Sly" James, Jr.** Mayor James introduced Mr. Paul Lisbon, summer intern at the Mayor's office. Mr. Lisbon currently attends George Washington University. Mayor James thanked him for his service.

Mayor James reiterated his position on guns. He said is not anti-gun, nor is he against legitimate gun ownership. His position is that it is wrong to be silent

about this topic in a city where too many homicides occur and where we know illegal guns exist. He said he will continue to advocate for getting illegal guns off the street and out of the hands of "idiots" in this city.

Commissioner Pelofsky agreed with Mayor James and said she supports this effort.

Mayor James offered his sympathy to the family of Donald Fenton, a City worker who was killed in a work related accident yesterday. Commissioner Pelofsky asked the Mayor to let the Board know of any services held or where donations can be sent on behalf of Mr. Fenton.

- **19.** <u>Commissioner Michael C. Rader.</u> Commissioner Rader thanked everyone involved in preparing reports for the Board books and for answering his questions.
- **20.** <u>Commissioner Wasson-Hunt</u>. Commissioner Wasson-Hunt offered sincere sympathy to Commissioner Brooks and his family for the passing of his wife Carol.
- 21. <u>Commissioner Lisa Pelofsky</u>. Commissioner Pelofsky thanked the police department for the conducting the funeral service for Crime Scene Technician Michael Chou and for reaching out to his family with such compassion.

A motion was made by Commissioner Wasson-Hunt, seconded by Commissioner Rader and by vote indicated below, to adjourn its open meeting at 2:18 p.m. and reconvene in closed session at 2:32 p.m. as provided in the following resolution. Following a roll call, the vote was 4-0 in favor.

## **RESOLUTION**

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on June 26, 2013, and

WHEREAS, said notice indicated that the Board of Police Commissioners might go into closed session during said meeting, and

WHEREAS, notice of the closed meeting follows the guidelines of Section 610.020 of the Revised Statutes of Missouri.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Police Commissioners go into closed session during the meeting being held on Tuesday, July 23, 2013, at the Regional Police Academy, 6885 N.E. Pleasant Valley Road, Kansas City, Missouri, for the purpose of discussing personnel matters, litigation matters, and labor negotiations.

The following Commissioners were present and voted to go into closed session as follows:

Commissioner Lisa T. Pelofsky - Aye Commissioner Angela Wasson-Hunt - Aye Commissioner Michael C. Rader - Aye Mayor Sylvester "Sly" James, Jr. - Aye

There being a quorum present and the question of holding a closed session having received an affirmative public vote of at least three (3) members, a closed meeting was held as set forth above.

Below are the votes from the closed session meeting of the Board of Police Commissioners on July 23, 2013:

1) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Rader, the Board voted to approve the minutes of the June 25, 2013, meeting. The vote was 4-0 in favor.

- 2) Following a motion by Commissioner Rader and a second by Commissioner Wasson-Hunt, the Board voted to approve the application for continued employment of Sgt. Ronald Podraza. The vote was 4-0 in favor.
- 3) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Rader, the Board voted to approve the application for continued employment of Master Police Officer Raymond Thompson. The vote was 4-0 in favor.
- 4) Following a motion by Mayor James and a second by Commissioner Rader, the Board voted to approve the application for recognition of KCPD Commanders Lodge #102, Fraternal Order of Police to serve as the exclusive representative for a bargaining unit comprised of all sworn law enforcement officers of the Kansas City, Missouri Police Department holding the rank of Captain and Major, but Members of the Executive Command Staff shall not be included in the Fraternal Order of Police Lodge 102 Collective Bargaining Unit recognized by the Board. For purposes of this approval, "Executive Command Staff" shall include the following positions:

Chief of Police Lieutenant Colonels The Chief's Executive Officer Executive Officer assigned to Patrol Bureau

Further, any member who is assigned to any of the above positions, who transfers to another position not listed above, shall be unable to be an officer of Lodge # 102 for a period of twelve months from the date of transfer,

understanding the twelve month rule shall not apply to any member currently serving as an officer of Lodge # 102. The vote was 4-0 in favor.

- 5) Following a motion by Commissioner Wasson-Hunt and a second by Mayor James the Board voted to approve a settlement with Former Chief James Corwin, Former Deputy Chief Cyril Ritter, Major Wayne Stewart, and Major Roger Lewis relating to the investigation into the expenditures by Claimants of Kansas City, Missouri Police Department funds for food and alcohol at restaurants in Kansas City and elsewhere, Personnel Incident Reports, and statements by or on behalf of the Board relating to the same, contingent upon execution of an acceptable settlement agreement and release. The vote was 4-0 in favor.
- 6) Following a motion by Mayor James and a second by Commissioner Wasson-Hunt, the Board voted to come out of closed session. The vote was 4-0 in favor. Following polling, Mayor James voted Aye, Commissioner Rader voted Aye, Commissioner Wasson-Hunt voted Aye, and Commissioner Pelofsky voted aye.
- 7) Following a motion by Mayor James and a second by Commissioner Wasson-Hunt, the Board voted to adjourn. The vote was 4-0 in favor.

	President
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